

EDWARDS ANGELL PALMER & DODGE LLP  
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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ORCHID ISLAND TRS, LLC (formerly  
known as Opteum Financial Services, LLC)  
and BIMINI CAPITAL MANAGEMENT,  
INC. (formerly known as Opteum Inc.)

Plaintiffs,

v.

INDYMAC BANCORP, INC. and INDYMAC  
BANK, F.S.B.

Defendants.

<sup>07cv 9550</sup>  
Civil Action No. ~~2-05-CV-05075 (DMC:MF)~~

**ACKNOWLEDGEMENT OF SERVICE OF  
SUMMONS AND COMPLAINT ON BEHALF  
OF DEFENDANT INDYMAC BANCORP,  
INC.**

Service of the annexed Summons and Complaint upon Defendant IndyMac  
Bancorp, Inc. is hereby acknowledged as of this 31<sup>st</sup> day of October 2007.

ALSTON & BIRD LLP  
One Atlantic Center  
1201 Peachtree Street  
Atlanta, GA 30309-3424

By: \_\_\_\_\_

Erin L. Connolly

Dated: October 31, 2007

JUDGE STANLEY

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Orchid Island TRS, LLC and Bimini Capital  
Management, Inc.

SUMMONS IN A CIVIL ACTION

V.

IndyMac Bancorp, Inc. and IndyMac Bank F.S.B.

CASE NUMBER:

07 CIV 9550

TO: (Name and address of Defendant)

IndyMac Bancorp, Inc.  
The Prentice-Hall Corporation System, Inc.  
2711 Centerville Road, Suite 400  
Wilmington, DE 19808

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

EDWARDS ANGELL PALMER & DODGE LLP  
Robert Novack, Esq.  
750 Lexington Avenue  
New York, NY 10022

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

CLERK

*[Signature]*  
(B) DEPUTY CLERK

DATE

OCT 25 2007

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER ( <i>PRINT</i> )	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Served personally upon the defendant. Place where served: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  Name of person with whom the summons and complaint were left: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Returned unexecuted: </div> <div> <input type="checkbox"/> Other (specify): </div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ Date _____ Signature of Server _____</p> <p style="text-align: center;">_____ Address of Server</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.